

In re) Fair Hearing No. 17,286
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Appeal of)

The petitioner appeals a decision of the Department of PATH terminating her VHAP (Vermont Health Access Program) benefits based on an increase in her income.

1. The petitioner is a forty-nine-year-old woman who works for a home health agency as a per diem health care attendant. She has no insurance benefits from her employment and has been receiving VHAP benefits for about two years.

2. On August 20, 2001, the petitioner received a letter from PATH informing her that her VHAP benefits would cease as of August 31, 2001 due to excess income. The petitioner's income was calculated based on two paychecks she gave to the Department in July of 2001 showing that she had earned \$1,289.38 that month. After \$90 was deducted for work related expenses, the petitioner was determined to have a countable income of \$1,199.38, an amount in excess of program maximums.

3. The petitioner appealed that decision and a hearing was set in September of 2001. Due to a misunderstanding on the petitioner's part, the hearing had to be reset for October of 2001. At that time, the petitioner brought in paystubs for August and September of 2001 that she felt would show that the July paychecks were unusually high and that she usually made less money. The paystubs actually showed that the petitioner made even more than she had in July of 2001, namely \$1,504.33 during the month of August and \$1,561.03 during the month of September.

4. The petitioner says that she needs health insurance badly due to a serious heart condition. She says she could be on disability benefits because her condition is so severe and that she plans to solve her over-income disqualification by taking on less work with the home health care agency.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP program counts all income earned by an individual less a \$90 work expense deduction when determining financial eligibility. W.A.M. 4001.81(c) and (e). Only

persons whose countable income is under the applicable income test meet the financial need requirements of the program.

W.A.M. 4001.8. The current income maximum for a one-person household is \$1,074 per month. P-2420B(6). The petitioner's current income is almost fifty percent more than this amount. The petitioner cannot be eligible for benefits so long as her monthly earned income exceeds \$1,164 per month (that amount is subject to the \$90 deduction bringing the countable amount to \$1,074). The Department is correct in terminating her VHAP benefits based on both her July and her current income and the Board is bound to uphold that decision. 3 V.S.A. § 3091(d). The petitioner is encouraged to reapply if her income goes down.

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